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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,562

12/12/2005

Guosheng Chai

16001 B

6647

36672 7590 04/17/2007

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EXAMINER

BLEASE, CONRAD R

ART UNIT

PAPER NUMBER

2809

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/560,562	CHAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Conrad R. Blease	2809	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

### Non-Final Rejection

Patent Application, Guosheng Chai et al, 2005: Highstrength Discharge Lamp with Low Glare and High Efficiency For Vehicles.

#### Basis of Claim Rejections:

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**The Claims:**

**Claim 1:**

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,497,049, Fischer, 1996. The first sentence of claim 1 contains elements common to many forms of discharge lamps and does not contribute to the patentability of the application. The inventive step is contained in the second sentence of claim 1. However, Fischer anticipates this inventive step. Applicant claims the use of an outer envelope formed to a ball shape and nearly parallel to the arc tube. Fischer teaches the use of a similarly shaped lamp cap. Please see claims 2,3,4, and 12 of Fischer.

Further, Claim 1 is objected to because of the following informalities: Claim 1 contains two sentences. Claims are limited to being one sentence in length. Appropriate correction is required.

**Claim 2:**

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent # 5,497,049, Fischer, 1996. Fischer teaches the use of an enclosing structure in the shape of a sphere. (Please see Fischer, Claim 12). Fischer does not specify the use of the shapes of an

ellipse or cylinder as taught by applicant. However, it would be obvious to a person of ordinary skill in the art to substitute the use of an ellipse or a sphere. The motivation for doing so would be to make use of the lens like effects a cover can produce for purposes of the bulbs intended use.

**Claim 3:**

Claim 3 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can only refer to preceding claims in the alternative. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

**Claim 4:**

Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can only refer to preceding claims in the alternative. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

**Claim 5:**

Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can only refer to preceding claims in the alternative. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

**The Application:**

6. This application fails to meet the requirements of 35 USC 112, first and second paragraph. 35 USC 112 first paragraph requires that: *"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."* While the second paragraph of 35 USC 112 requires: *"The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention."* The current application fails to meet these requirements. This application appears to be a "machine" translation which fails to clearly convey the requirements of a patent application.

**Conclusion:**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Conrad R. Blease whose telephone number is 571-270-1735. The examiner can normally be reached from 10:00am to 6:00pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bruce, can be reached Monday through Thursday at 571-272-2487. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Conrad R. Blease



DAVID BRUCE  
SUPERVISORY PATENT EXAMINER